

12:00 pm, Mar 22, 2018

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

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TRUSTEES OF THE UNITED PLANT AND
PRODUCTION WORKERS LOCAL 175
BENEFITS FUND,

ADOPTION ORDER
16-cv-5527 (ADS) (ARL)

Plaintiff,

-against-

CAPRI LANDSCAPING INC., SALVATORE
COLUCCIO, JOHN DOE COMPANY,

Defendant(s).

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APPEARANCES:

Palmieri Castiglione & Associates, PC

Attorneys for the Plaintiff

250 Mineola Boulevard

2nd Floor

Mineola, NY 11501

By: Vito A. Palmieri, Esq., Of Counsel

NO APPEARANCES:

Capri Landscaping Inc., Salvatore Coluccio, John Doe Company

The Defendants

SPATT, District Judge:

On July 20, 2017, the Clerk of the Court noted the default of the Defendants Capri Landscaping Inc., and Salvatore Coluccio. On July 27, 2017, the Plaintiff Trustees of the United Plant and Production Workers Local 175 Benefits Fund filed a motion for default judgment against those Defendants.

On July 28, 2017, the Court referred the Plaintiff's motion to United States Magistrate Judge Arlene R. Lindsay.

On February 26, 2018, Judge Lindsay issued a report and recommendation (the “R&R”) recommending that the Plaintiff’s motion be denied with leave to renew upon filing proof of service of the motion on all of the Defendants.

On March 6, 2018, the Plaintiff filed proof of service of the R&R on the Defendants.

It has been more than fourteen days since the service of the R&R, and the parties have not filed objections.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the Plaintiff’s motion for default judgment is denied without prejudice. The Plaintiff is granted leave to renew its motion once it serves the motion on the Defendants.

SO ORDERED.

Dated: Central Islip, New York

March 22, 2018

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge